IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.499 OF 2004
IN
WRIT PETITION NO.7650 OF 2003

M/s.A.S.Wood Industries ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mrs.S.V.Sonawane for Petitioners
Mr. Nargolkar, A.G.P. for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 12TH AUGUST, 2005

P.C.

1. Heard Mrs.Sonawane in support of Civil Application. Mr.Nargolkar appears for Respondents.

2. Civil Application prays for an interim order that the Petitioner be permitted to run the saw mill during the pendency and disposal of the Petition. As far as the main Petition is concerned Respondents have filed the reply, that the concerned saw mill is within 10 Kms. from Sanjay Gandhi National Park. Therefore, under the relevant rules the saw mill cannot be permitted to be operated.

3. Mrs.Sonawane disputes that the mill is 10 Kms.from Sanjay Gandhi National Park. However unless the Petitioner produces any such documents supported by Architects report it is not possible for us to dispute the statement made by Respondents on oath.

4. Thereafter, the submission of Mrs. Sonawane

is that under the Government's decision dated 20th March, 2003 those mills which were given licence prior to 16th July 1981 are permitted to operate. She states that although the Petitioner was given licence in the year 1989 in fact the mill was functioning from 1979 and licence fee is taken from the Petitioner from 1979. In our understanding the collection of fee is only on account of the actual running of the mill by the Petitioner, that cannot mean that the licence was given prior to 1981. The payment though meant for the year 1979 onwards, is in fact collected in June, 1989. Therefore, this submission cannot be considered.

5. She has filed another affidavit with panchanama pointing out that another saw mill of M/s. Kamdar Industries Company which is similarly situated and where there is no interim protection is in fact functioning and no action is being taken. This cannot be a ground to grant any interim relief. We expect the Government to act uniformly and take action against this M/s. Kamdar Industries Company also.

6. A copy of this order be forwarded to the Asstt. Conservator of Forest, Government of Maharashtra to take action for violating the provisions of law. Civil Application is rejected.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)